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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

TODD D. NEWMAN

Application No.: 09/916,436

Filed: July 30, 2001

For: REDUCING METAMERISM  
IN COLOR MANAGEMENT  
SYSTEMS

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) Examiner: M. Luu  
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) Group Art Unit: 2676  
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) March 14, 2005  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the February 18, 2005 Requirement To Restrict, Applicant hereby provisionally elects to prosecute the Group I claims, namely Claims 1 to 15, 19 to 26 and 30. The Requirement To Restrict is, however, traversed.

Traversal is on the grounds that the invention of the Group I claims is generic to all claims herein. Specifically, restriction was premised on MPEP § 806.05(d), which applies in the circumstances of subcombinations disclosed as usable together in a single combination. Here, however, the only combination identified in the Restriction Requirement is a system which converts colors in a perceptual color space, with or without a user interface. Since such a combination is commensurate in scope with the Group I claims, it is respectfully submitted that the Group I claims are generic.

In this regard, the Restriction Requirement appears to have taken the position that the Group II claims could be usable in a user interface without a system for conversion of colors from a perceptual color space. This position is not understood, since the Group II claims specifically recite that they are a user interface “for implementing a metamerism-reducing color transformation from a perceptual color space ...”.

Accordingly, Applicant maintains his position that the Group I claims are generic to all claims herein.

Moreover, traversal is on the grounds that there would not be undue burden in examining both groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent of distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be undue burden in examining two groups of claims in a single application, since both are technologically related to color transformation from a perceptual color space, such that the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Reconsideration and withdrawal of the Restriction Requirement are therefore respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", written over a horizontal line.

Attorney for Applicant

Michael K. O'Neill

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